
Other Ways I Can Be Repaid

Civil Lawsuits

As a victim, you have the option of filing a civil lawsuit against the offender or any other party that is liable for damages as a result of the crime.

Workers' Compensation Benefits

If the crime occurred during the course of employment or arising out of employment, you are required to file for workers' compensation benefits if you seek financial assistance from the Program. Contact your employer for a DWC Form 1 and complete the "employee" section and return the form to your employer. You may call the Division of Workers' Compensation at 1-800-736-7401 if you need help in filling out this form or in obtaining your benefits. Workers' compensation benefits you may be eligible to receive are: medical care, payment for lost wages, payment for permanent disability, rehabilitation or death benefits.

Automobile Insurance Compensation

If the crime occurred, in or around a vehicle, you may qualify for benefits under an automobile insurance policy. Some of the common coverages found in most auto insurance policies include:

- bodily injury liability
- medical payments
- uninsured motorist
- death indemnity
- disability
- dismemberment or loss of sight

Other Types of Compensation

Did you know that you may also be eligible to receive compensation from:

- life insurance policies
- mortgage insurance
- homeowner's/renter's insurance
- liability insurance
- disability (private or state)
- veterans benefits
- social security benefits
- funeral/burial policy

How do the recovery options outlined in this brochure affect the Victims of Crime benefits I might receive?

In order to receive benefits from the Victims of Crime Program, you must complete a **Crime Victim Compensation Application Form**. By signing that application, in the event of any recovery by a judgment, settlement or award, you agree to repay the Victims of Crime Program in the amount that the Program paid benefits for you.

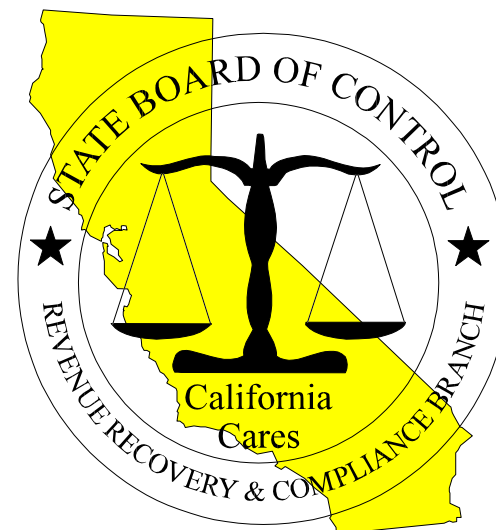
A workers' compensation settlement received as a result of the crime is also considered a recovery. It is the victim's responsibility to inform their attorney that benefits from the Victims of Crime Program were received.

For civil recoveries, the attorney has a legal obligation to notify the State Board of Control (SBOC) once a case has been filed with the court and when the case is about to be settled. The SBOC will then work with the attorney to repay the SBOC lien.

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*Have you or a family member
been a victim of crime?
Know Your Rights!*

Financial Recovery Options for Victims of



Crime in California

A brochure for victims prepared by the

**California State Board of Control
Revenue Recovery and
Compliance Division
P.O. Box 1348
Sacramento, CA
95812-1348**

Recovering Financial Losses

An act of crime often means a financial loss for the victim. You may have had cash or property stolen, incurred medical expenses, or suffered a loss of income because you could not work. You may have insurance to cover some of these expenses but victims often need additional sources of recovery. Following are ways a victim can recover their crime-related losses:

California Victims of Crime Program

The California Victims of Crime Program (Program), under California Law (Government Code Sections 13959-13969.3) provides financial assistance to qualifying victims for losses resulting from a crime when these losses cannot be reimbursed by other sources. Losses covered include medical expenses, mental health counseling, loss of income, loss of support, funeral/burial costs and job rehabilitation expenses. The primary source of revenue for the Program is derived from the imposition and collection of penalty assessments and **restitution fines** levied against convicted offenders.

The Victims of Crime Program is the "payor of last resort." If you have any other sources of reimbursement available (such as workers' compensation, auto/health/life insurance, etc.) for your crime-related losses, you must use these available sources before becoming eligible for payments from the Program.

To contact the Victims of Crime Program, please call our toll-free number at 1-800-777-9229 or the Victim-Witness Center in your county at _____

Restitution What is it?

Restitution is the act of reimbursing victims for the damages, injuries, and losses caused by the offender. The court, as part of the sentencing order, should require the offender to pay the following restitution obligations:

Restitution Order - If you incurred losses as a direct result of the crime, you have the right to request the court to order the offender to pay restitution to you for your losses. Restitution payments from the offender will be forwarded to the Program if you have received assistance from this Program. Payments will be sent to you after the Program has been fully reimbursed for the payments made on your behalf. All payments will be sent to you if you have not received assistance from the Program.

Restitution Fine - The court is required to order a convicted offender to pay a Restitution Fine. The Restitution Fine is deposited into the Restitution Fund which is the funding source for the Victims of Crime Program.

How Do I Ask for Restitution?

A victim has the right to request restitution. If an adult offender is convicted of a **felony**, Penal Code Section 1203 (b) and (g) requires a Probation Officer to prepare and submit a pre-sentence report on the offender. The report will include a recommendation of the amount the offender should be required to pay as a restitution fine as well as restitution to a victim. If you are not contacted by the Probation Department, you should call the Probation Department and tell them you want to request restitution. If available, it would be helpful to have the adult offender's name, date of birth and crime report number to help determine which probation officer has been assigned to this case.

If the adult offender is convicted of a **misdemeanor**, the District Attorney's Office may be responsible for recommending the restitution amount. You should be contacted by someone from the District Attorney's Office to request your loss information or you may contact the District Attorney's Office if someone has not contacted you. If the full extent of the victim's losses is not known at the time of sentencing, the amount of restitution may be determined at a later date.

The offender has the right to object to the restitution ordered by the court. Because of this right, the court may hold a hearing on the restitution at any time and you must be able to submit evidence or documentation of your actual losses.

An offender may appear to have limited resources at the time of sentencing, but may have future earning potential. Recognizing this, it is in the victim's best interest to obtain a restitution order equivalent to his/her actual losses.

Per Penal Code Section 1202.4, an order of restitution to the victim is enforceable as a civil judgment.

If the convicted offender is a juvenile, similar laws exist. In addition, the offender's parents may be held responsible for their child's debt. Again, if you aren't contacted regarding restitution on a juvenile offender case, you must contact the Juvenile Probation Department if the offender is convicted of a felony, or the District Attorney's Office if the offender is convicted of a misdemeanor.

It is always important to keep the Clerk of the Court, Collection Office or the Probation Department advised of your current address so that any restitution ordered directly to you or any restitution hearing scheduled will reach you without delay.